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THE SITUATION IN CENTRAL AMERICA:
PROCEDURES FOR THE ESTABLISHMENT OF A FIRM AND LASTING PEACE AND PROGRESS IN FASHIONING A REGION OF PEACE, FREEDOM, DEMOCRACY AND DEVELOPMENT

SECURITY COUNCIL
Forty-seventh year

Letter dated 22 April 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Belize to the United Nations addressed to the Secretary-General

I am attaching herewith a copy of relevant extracts of a statement delivered by the Minister for Foreign Affairs of Belize on Friday, 3 April 1992, on the occassion of the establishment of the National Advisory Commission on the negotiations between Belize and Guatemala (see annex).

I should be grateful if you have the text of the present letter and its annex circulated as an official document of the General Assembly, under item 36 of the preliminary list, and of the Security Council of the United Nations.

(Signed) Amalia MAI
Chargé d'affaires

* A/47/50.

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ANNEX

Statement by the Minister for Foreign Affairs of Belize, delivered on 3 April 1992

On 17 January 1992, the House of Representatives passed the Maritime Areas Act, which became law on 24 January 1992 when it was signed by the Governor General, after its passage by the Senate.

The Act makes provision for the territorial sea, internal waters and exclusive economic zone of Belize. In this Act, Belize for the first time exercises its legal right under international law to claim a territorial sea of twelve miles. This is does for most of its coastline, but in the southern area between Ranguana Caye and the mouth of the Sarstoon River the historic three miles of territorial sea is maintained.

The law makes it clear, however, that Belize is not giving up its right to claim that area of sea in the south between the outer limit of the territorial sea as presently declared and the median line between Belize's baseline and those of adjacent States as its territorial sea. For the moment, however, Belize is declaring that area as part of its exclusive economic zone, to the exclusion of any other State. The maritime boundary between Belize and Guatemala and between Belize and Honduras, therefore, remains the aforesaid median line.

The Maritime Areas Act explicitly states that the purpose of maintaining the three mile territorial sea in the aforesaid area is "to provide a framework for the negotiation of a definitive agreement on territorial differences with the Republic of Guatemala". This is in the context of Guatemala's recognition, on 5 September 1991, of the independent State of Belize - an unconditional and irrevocable act by which Guatemala acknowledged Belize's frontiers as defined in our Constitution. By necessary implication, Guatemala also agreed to respect the sovereignty and territorial integrity of Belize in accordance with international law and the Charter of the United Nations.

The Belize Constitution, however, does not define the limits of Belize's territorial sea; this is left for the legislature to enact. It had not done so yet, however, because of the fact that if Belize were to claim all the territorial seas it has a right to in the south, it would require Guatemala to pass through Belize's territorial seas to get to the high seas, whereas it has been accustomed to doing so without entering Belize's traditional three-mile territorial sea. Belize has long since declared its willingness to negotiate an agreement to accord Guatemala such territorial seas as are necessary to provide her with unimpeded access to the high seas, and it refrained from defining its territorial sea pending an agreement.

After Guatemala took the bold move of recognizing Belize, however, the National Assembly of Belize, as an act of good faith indicating its

willingness to pursue such negotiations to a successful conclusion, passed the Maritime Areas Act. It is made clear, however, that the three mile limit in the area indicated is a temporary measure that merely restricts the negotiations to that area, and the Act explicitly states that any agreement emerging from the negotiations must first be put to a referendum in Belize. If a majority of electors approve it, that shall form the basis for the final delimitation of the territorial sea in the area indicated. If such an agreement is not approved by a referendum, then "the delimitation of the territorial sea in the said area shall be effected on the basis of international law." In either case, the Act will be amended accordingly.

It is encouraging to put on record the fact that for some time now relations between Belize and Guatemala have been typified by respect and understanding, particularly after diplomatic relations were established between our two countries on 11 September 1991. An incident that occurred in early February demonstrates the quality of this new relationship. After an advertisement appeared in an oil magazine published in Texas, inviting tenders for exploration in certain areas and the accompanying map showed an area which Belize has claimed as its exclusive economic zone under the aforementioned Act, I sought clarification from the Guatemalan Government. Guatemala's Foreign Minister, Gonzalo Menendez Park, wrote me a letter the following day, 13 February 1992, indicating that the Ministry of External Affairs had not been consulted regarding the description of the area, that it was an involuntary error and that this area would not be allotted to any tenderer. He further assured me that the next tender notice due to be published in June would only contain areas already duly delimited so as not to give rise to any misinterpretations.

This response makes it clear to the Government of Belize that the Guatemalan Government understands and accepts the effect of the Maritime Areas Act, i.e. that by it Belize does not abandon its right to claim the affected area as its territorial sea, but merely reserves it for negotiation, and in the meanwhile its status is that it is part of Belize's exclusive economic zone.

With regard to adjacent States, as well as to all States of the world, therefore, the situation of the affected area is that Belize has declared that area as part of Belize's exclusive economic zone.

With this clear understanding it is possible to proceed to negotiations, which will hopefully lead, within a reasonable time, to mutually acceptable agreements that will enable Guatemala to formally drop its claim with regard to Belize and allow our two countries to enjoy the friendly and respectful relations that both our peoples have long desired.